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9 ROSENDIN ELECTRIC, INC.

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16 Attorneys for Third-Party Plaintiffs AMERICAN  
17 CASUALTY COMPANY OF READING, PA and  
18 NATIONAL UNION FIRE INSURANCE  
19 COMPANY OF PITTSBURGH, PA

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA—SAN FRANCISCO DIVISION

29 UNITED STATES OF AMERICA for the Use and  
30 Benefit of WEBCOR CONSTRUCTION, INC. dba  
31 WEBCOR BUILDERS, and WEBCOR  
32 CONSTRUCTION, INC. dba WEBCOR  
33 BUILDERS,

34 Plaintiffs,  
35 vs.

36 DICK/MORGANTI, a joint venture, DICK  
37 CORPORATION, THE MORGANTI GROUP,  
38 AMERICAN CASUALTY COMPANY OF  
39 READING, PA, NATIONAL UNION FIRE  
40 INSURANCE COMPANY OF PITTSBURGH, PA,  
41 and DOES 1 through 10, inclusive,

42 Defendants.

43 AND RELATED COUNTER-CLAIMS AND  
44 THIRD PARTY CLAIMS.

45 Case No.: 3:07-CV-02564-CRB

46 **JOINT REQUEST AND  
47 STIPULATION OF DISMISSAL OF  
48 THIRD PARTY DEFENDANT  
49 ROSENDIN ELECTRIC, INC.;  
50 [PROPOSED] ORDER**

51 Before: Hon. Charles R. Breyer

1 Pursuant to FRCP 41(a)(2) and (c), Third Party Defendant ROSENDIN ELECTRIC, INC.  
2 ("Rosendin") and Third Party Plaintiffs AMERICAN CASUALTY COMPANY OF READING,  
3 PA, and NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA (together,  
4 "S sureties") stipulate and agree that the Sureties' Third Party Complaint, as against Rosendin only,  
5 be dismissed with prejudice, parties to bear their own fees and costs. This Stipulation is made as  
6 part of an agreement under which certain claims of Rosendin are being passed through to the  
7 United States government, and will be prosecuted as part of a separate proceeding. Rosendin and  
8 Sureties respectfully request that the Court enter an order pursuant to this stipulation.

9 Dated: February 26, 2010 SMITH & BROCKHAGE, LLP

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11 By \_\_\_\_\_ /s/  
12 Steven F. Brockhage  
13 Attorneys for Third-Party Defendant  
14 ROSENDIN ELECTRIC, INC.

15 Dated: February 26, 2010 SEDWICK DETERT MORAN & ARNOLD LLP

16  
17 By \_\_\_\_\_ /s/  
18 Gregg N. Dulik  
19 Attorneys for Third-Party Plaintiffs AMERICAN  
20 CASUALTY COMPANY OF READING, PA and  
21 NATIONAL UNION FIRE INSURANCE COMPANY  
22 OF PITTSBURGH, PA

**[PROPOSED] ORDER**

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 The Third Party Complaint of AMERICAN CASUALTY COMPANY OF READING,  
25 PA, and NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA as  
26 against Third Party Defendant ROSENDIN ELECTRIC, INC. only, is hereby dismissed with  
27 prejudice, parties to bear their own fees and costs.

28 Dated: March 9, 2010

